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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,464	06/29/2001	Michel Ruffin	Q64056	7377
23373	7590	04/24/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,464

Applicant(s)

RUFFIN ET AL.

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-6 are subject to examination.

Response to Arguments

2. Applicant's arguments filed 1/30/2006, pages 5-14 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-6 is maintained.

Applicant argues (1), "combined teachings of Schaefer and Leymann do not teach limitations of claim 1, i.e, transmitting information by means of independent transactions", and states, "Schaefer is concerned with combining what would otherwise be disparate transactional processing systems and environments, such as providing inoperability between windows based clients, e.g., MS DTC, and an X/open XATMI-compliant system. The MS DTC environment cannot currently interoperate with resources on remote server controlled by an X/open XATMI compliant transaction manager. Since there is a large installed base of client server applications that are built upon an X/open XATMI compliant transaction manager, it is desirable to provide a method and apparatus that enable an MS DTC to include such service in a global transaction that it controls" and "Leymann discloses grouping transactions and then processing the group as a set of chained strata".

The examiner respectfully disagrees in response to applicant's arguments. Schaefer and Leymann teachings are not limited as asserted by the applicant. Schaefer also discloses the claimed limitations transmitting information by means of independent transactions (e.g. usage of multiple non-global transactions and/or usage of ACID

Art Unit: 2154

properties, e.g., figures 6A-6D, col., 3, lines 1-53, col., 13, line 34 – col., 14, line 49).

The claims contain independent transactions with contrary dependent transactions, i.e. the transactions that depend on a previous transaction has succeeded (see claim 1), and also the transactions are again contrary to the ACID properties of the claimed subject matter in which Atomicity guarantees that all the updates of a transaction are effected or none of them (see claim 1 and pages 1 and 2 of the specification). Note: The claims do not specify what is considered as a transaction, and whether the transaction (single) can exist between the supplier and the consumer or not, and, whether only one transaction or many transactions exist between a supplier and a first communication channel of the chain (between each of the communication channels of the chain, etc). The claims also do not specify what is considered as a communication channel. The interpretation of the claimed subject matter of claims, in not limited to when an intermediate communication channel fails, it does not need to go all the wayback to the supplier to restart the transaction, as asserted by the applicant. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant states (2), “The Examiner's Interview Summary Record includes a complete and proper recordation of the interview. In particular, during the interview, the Examiner and the undersigned discussed the differences between the prior art of record and the claims as set forth in detail in the Amendment tiled January 30, 2006”.

For clarification, below is the complete substance of interview including description of the general nature of what was agreed, dated 2/21/2006:

Art Unit: 2154

“Mr. Kevin Kunzendorf, Mr. Christopher Lipp and the examiner discussed the claimed limitations of claims 1, 4 and 6. The examiner indicated that all the 112 2nd paragraph rejection of the previous office action, dated 10/28/2005 has been overcome by the amended claims, dated 1/30/2006. The applicant cited to the examiner in the specification where the limitations, "a series of independent sequential transactions" and "if a previous transaction has succeeded" are taught regarding the 112 1st and 132 rejection. The specification appeared to support each of these two limitations individually. Mr. Kevin Kunzendorf and Mr. Christopher Lipp explained to the examiner that the limitations, "series of sequential independent transactions" mean that when an intermediate communication channel fails, it does not need to go all the wayback to the supplier to restart the transaction. The examiner indicated that he would consider this and would verify whether the cited art discloses or not either the series of sequential independent transactions limitations in its broadest interpretation or for the above mentioned explanation, regarding the next office action”. Hence, the examiner agrees with the statement, “The Examiner's Interview Summary Record includes a complete and proper recordation of the interview”, but for clarification no agreement was reached between the examiner and the applicant’s representative for the differences between the prior art of record and the claim (please see interview summary of the interview conducted on 2/21/2006).

Applicant argues (3), “Schaefer does not teach limitations of claim 1, i.e, a chain of communication channels”.

Art Unit: 2154

The examiner respectfully disagrees in response to applicant's arguments.

Schaefer discloses a chain of communication channels (e.g., figure 3 containing series of software and/or hardware modules between the transaction producer and consumer that carryout communication). Note: The claims do not specify what is considered as a transaction, and whether the transaction (single) can exist between the supplier and the consumer or not, and, whether only one transaction or many transactions exist between a supplier and a first communication channel of the chain (between each of the communication channels of the chain, etc). The claims also do not specify what is considered as a communication channel. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (4), "There is no motivation to combine the Schaefer and Leymann references".

The examiner respectfully disagrees in response to applicant's arguments.

Contrary to applicant's assertions, the limitations relied upon Leymann-IBM reference i.e., usage of set up if a previous transaction has succeeded is not only taught by Leymann-IBM (e.g., col., 11, line 21 – col., 12, line 56, figures 4-8) but Leymann-IBM also discloses at least one benefit of using set up if a previous transaction has succeeded. For example, the previous transaction supporting information for processing of information in a current transaction (e.g., col., 11, line 21 – col., 12, line 56, figures 4-8). The usage of previous transaction and the current transaction provide information from one entity to another entity. Further, the test for obviousness is not whether the features

Art Unit: 2154

of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); *In re Young*, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). The reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. *In re Linter*, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972). There is no requirement that the prior art provide the same reason as the applicant to make the claimed invention. *Ex parte Levengood*, 28 USPQ2d 1300, 1302 (Bd. Pat. App. & Inter. 1993). Since, as mentioned above, Leymann-IBM discloses at least one benefit of using set up if a previous transaction has succeeded, the rejection is maintained.

Applicant argues (5), "Schaefer does not teach limitations of claim 4, i.e, each communication channel has a set of clients which are other communication channels or consumers" and states, "Schaefer a resource manager that receives XATMI service requests and directives issued by a first transaction manager for a given single global transaction. The resource manager then translates the service requests and the directives into service requests for an OSI TP protocol machine. By virtue of this system, the remote sender is able to appear to the first transaction manager as simply another local resource within the transaction processing environment".

The examiner respectfully disagrees in response to applicant's arguments.

Schaefer discloses each communication channel has a set of clients which are other communication channels or consumers (e.g., figure 3 containing series of software and/or hardware modules between the transaction producer and consumer and having modules that support communication). Note: The claims do not specify what is considered as a transaction, and whether the transaction (single) can exist between the supplier and the consumer or not, and, whether only one transaction or many transactions exist between a supplier and a first communication channel of the chain (between each of the communication channels of the chain, etc). The claims also do not specify what is considered as a communication channel and consumer. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Priority

3. Applicant was requested, office action dated 3/10/2005, to submit the translated priority document in English for the foreign priority document for verification, in order to benefit the effective date as the foreign priority document. However, the examiner has not received the translated priority document and the examiner has not applied prior arts that are available for the rejection (dated between the claimed priority date and the effective date of this application). Applicant is requested to respond/submit the English translated foreign priority document, which would help the examiner to know whether to apply the above-mentioned prior arts dated between 8/16/1999 and 8/10/2000. (see 37 CFR 1.55(a)(3)) and MPEP 706.02(b)). The claimed, series of sequential independent

Art Unit: 2154

transactions is set up if a previous transaction has succeeded, etc., are not disclosed in the available abstract of the foreign priority application; hence, applicant does not benefit the effective date as the foreign priority date

Response to Amendment

4. The amendment filed 7/11/2005 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: (Note: this rejection is maintained from previous office action 10/28/2005).

- a. addition of limitations, “series of sequential (independent) transactions”, “if a previous transaction (dependent) has succeeded” (both together (that are contrary to each other) along with again contrary ACID properties for transmitting information between a supplier and a consumer), to implement all limitations as claimed in claim 1.

Applicant is required to cancel the new matter, to avoid abandonment of this application, in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2154

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention. (Note: this rejection is maintained from previous office action 10/28/2005).

6. The specification does not contain subject matter to implement limitations, “a series of sequential (independent) transactions”, and, “if a previous transaction (dependent) has succeeded”, (both together (that are contrary to each other) along with again contrary ACID properties for transmitting information between a supplier and a consumer), to implement all limitations as claimed in claim 1. Also, it is not apparent how transactions are independent as the claimed each of the transactions also depends on a previous transaction has succeeded (see claim 1). The transmitting information between a supplier and a consumer is in accordance with ACID: Atomicity, Coherence, Isolation and Durability see claim 1, in which Atomicity guarantees that all the updates of a transaction are effected or none of them. Failure to comply with this property can change the set of data from a coherent initial state to an incoherent state (see pages 1 and 2 of the specification). The usage of ACID properties, series of sequential independent transactions, and set up between each of the communication channels ... if a previous transaction has succeeded” are contrary to each other for transmitting information between a supplier and a consumer.

Examiner has reviewed the specification (and OCR whole document) and could not find support for the additional limitations as claimed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer et al. 6,157,927 (Hereinafter Schaefer) in view of "ObjectStore Java API User Guide", Chapter 5, Working with Transactions, pages 1-10, (Hereinafter ObjectStore) and Leymann et al., 6,012,094, IBM (Leymann-IBM).

9. As per claim 1, Schaefer teaches the following:

a method of transmitting information asynchronously (e.g., col., 14, lines 6 – 10) between a supplier and a consumer in accordance with Atomicity, Coherence, Isolation and Durability (ACID) properties (e.g., col., 1, lines 51 – 57), said supplier and said consumer being connected by a chain of communication channels (e.g., col., 2, lines 24 – 61), the method comprising transmitting said information by means of independent transactions (e.g. multiple transactions are supported e.g., figures 6A-6D, both non-global and global plurality of transactions are supported using ACID properties, , col., 3, lines 1-53, further asynchronous transactions are supported for distributed transaction processing, col., 13, line 34 – col., 14, line 49) set up

between said supplier and a first communication channel of said chain (e.g., col., 2, lines 24 – 61, figures 1-4G),

between each of the communication channels of said chain (e.g., col., 2, lines 24 – 61, figures 1-4G), and

Art Unit: 2154

between the a last communication channel of said chain and said consumer (e.g., col., 2, lines 24 – 61, figures 1-4G).

However, Schaefer does not specifically mention about series of sequential transactions.

ObjectStore discloses the well-known concept of handling series of sequential transactions (e.g., page 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schaefer with the teachings of ObjectStore in order to facilitate handling series of sequential transactions because the sequential transactions would support processing of information in a sequential manner. The series of sequential transactions would enhance providing information from one entity to another.

However, Schaefer does not specifically mention about series of sequential transactions.

However, ObjectStore and Schaefer do not specifically mention about usage of set up if a previous transaction has succeeded.

Leymann-IBM discloses the well-known concept of usage of set up if a previous transaction has succeeded (e.g., col., 11, line 21 – col., 12, line 56, figures 4-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schaefer and ObjectStore with the teachings of Leymann-IBM in order to facilitate usage of set up if a previous transaction has succeeded because the previous transaction would support providing information for

Art Unit: 2154

processing of information in a current transaction. The series of sequential transactions would enhance providing information from one entity to another.

10. As per claims 2 and 4, Schaefer, ObjectStore and Leymann-IBM disclose the claimed limitations as reject above. Schaefer also teaches the following:

a communication channel enabling asynchronous transmission of information between a supplier and a consumer in accordance with ACID properties (e.g., col., 1, lines 51 – 57),

each communication channel has a set of clients which are other communication channels or consumers (e.g., col., 8, lines 25 – 67) and when one of said communication channels of said chain is a target of one of said independent transactions (e.g., col., 8, lines 25 – 67), the method further comprises:

storing said information in a reliable memory (e.g., col., 9, line 31 – col., 10, line 24),

finalizing the one of said independent transactions (e.g., col., 9, line 31 – col., 10, line 24), and

initiating other independent transactions with said clients containing said information (e.g., col., 9, line 31 – col., 10, line 24).

11. As per claims 3, 5, Schaefer, ObjectStore and Leymann-IBM disclose the claimed limitations as reject above. Schaefer also teaches the following:

Art Unit: 2154

to initiate said independent transactions said information is stored in a plurality of queues (e.g., col., 13, line 38 – col., 14, line 49) each of which is associated with one of a plurality of clients and consumed by a thread (e.g., col., 12, lines 13 – 47),
utilizing a plurality of communication channels (e.g., col., 12, lines 13 – 47).

12. As per claim 6, Schaefer, ObjectStore and Leymann-IBM disclose the claimed limitations as reject above. Schaefer also teaches the following:

a transactional asynchronous communication architecture (e.g., col., 13, line 37 – col., 14, line 49, col., 2, lines 24 – 61, figures 1-4G) comprising a plurality of communication channels (e.g., col., 2, lines 24 – 61, figures 1-4G) enabling asynchronous transmission of information (e.g., col., 13, line 37 – col., 14, line 49, col., 2, lines 24 – 61, figures 1-4G) between a supplier and a consumer in accordance with Atomicity, Coherence, Isolation and Durability (ACID) properties (e.g., col., 1, lines 51 – 57, e.g. multiple transactions are supported e.g., figures 6A-6D, both non-global and global plurality of transactions are supported using ACID properties, in which each entity commits or aborts its own work independently, col., 3, lines 1-53, further asynchronous transactions are supported for distributed transaction processing, col., 13, line 34 – col., 14, line 49), each of said channels having a set of clients which can be other communication channels or consumers (e.g., col., 2, lines 24 – 61, figures 1-4G), wherein each of communication channels (e.g., col., 2, lines 24 – 61, figures 1-4G) comprises:

means for storing said information which is contained in a transaction for which said communication channel is the targets (e.g., figures 1-4G, col., 9, line 31 – col., 10, line 24),

Art Unit: 2154

means for finalizing said transaction (e.g., col., 13, lines 1 – 19, col., 15, line 51 – col., 16, line 42), and

means for initiating other transactions containing said information with said set of clients (e.g., figures 1-4G, col., 9, line 31 – col., 10, line 24).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially

Art Unit: 2154

teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

April 14, 2006


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